

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VERMONT MUTUAL INSURANCE COMPANY,
a/s/o ROBERT and NANCY MCNEIL, and
ROBERT and NANCY MCNEIL,
Plaintiffs,

v.

C.A. No. 04CV12257NG

HAMILTON BEACH PROCTOR-SILEX, INC.,
Defendant.

JOINT PROPOSED DISCOVERY PLAN

Pursuant to Fed. R. Civ. P. 26(f), counsel for the parties have conferred regarding proposed discovery dates. The parties respectfully submit the following proposed discovery plan.

(1) Rule 26 Disclosure.

Plaintiffs will make their initial disclosure under Rule 26(a)(1) by May 2, 2005; Defendant will make its initial disclosure, under Rule 26(a)(1) on June 1, 2005.

(2) Inventory of evidence.

Plaintiffs shall provide an inventory of all physical evidence within its possession, custody or control by May 2, 2005.

(3) Initial cause and origin report and disclosure of specific defect.

Plaintiffs shall disclose their initial cause and origin report and identify the specific product defect alleged by June 29, 2005.

(4) Product inspection.

The parties shall conduct a joint inspection of the evidence, including destructive testing, pursuant to an agreed upon protocol by July 29, 2005.

(5) Initial written discovery.

Initial written discovery will be served by August 1, 2005. Discovery responses will be served by October 31, 2005 or within 60 days of the execution of the attached Confidentiality Agreement, whichever is later as to the Defendant's production of its product related-documents.

(6) Depositions.

Fact depositions will be completed by November 1, 2005.

(7) Amendment.

The parties agree the Complaint may be amended to add parties or a third-party complaint may be filed until September 2, 2005.

(8) Experts.

Plaintiffs' trial experts will be designated and disclosure of information contemplated by Fed. R. Civ. P. 26 will be provided no later than December 15, 2005, and such designation and disclosure will be made by the defendant no later than February 1, 2006.

(9) Alternative Dispute Resolution.

ADR will be completed on or before April 15, 2006. The parties agree that if mediation before a senior judge is desired, a written motion for referral shall be filed with the Clerk.

(10) Expert depositions.

All expert depositions shall be completed on or before May 3, 2006. Plaintiffs' experts will be deposed first, followed within 30 days by defendant's experts.

(11) Dispositive motions.

All dispositive motions shall be filed by July 3, 2006.

(12) Trial date.

Trial shall be scheduled on or after September 4, 2006.

The Plaintiffs,
By their Attorney,

s/Douglas F. Hartman

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The Defendant,
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